

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5139 of 2022

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Gopal Sharan Dubey, Son of Bhikho Dubey, Resident of Village - Dubeydih,
P.O. - Sabalbigha, P.S. - Lachuar, Dist. - Jamui (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar, through Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Jamui.
5. The District Programme Officer (Establishment), Jamui.
6. The District Provident Fund Officer, Munger.
7. The District Provident Fund Officer, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Waliur Rahman Mr.Nishant Kumar Sinha
For the Respondent/s	:	Mr.Madanjeet Kumar (GP20)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 03-09-2024

Heard the parties.

2. The petitioner superannuated on 31.08.2013 as an Assistant Teacher, Government Middle School. The petitioner being aggrieved by non-payment of his GPF amount, has approached this Court by filing the present writ petition seeking a direction upon the respondents to ensure payment of GPF amount along with the statutory interest.

3. Learned Advocate for the petitioner fairly contended that soon after filing of the writ petition the petitioner has been



accorded his GPF amount on 13.04.2022. Drawing the attention of this Court to the calculation chart, learned Advocate for the petitioner further contended that it clearly reveals that the interest has been computed till 30.11.2019, admittedly the payment has been made on 13.04.2022. In the aforesaid premise, the petitioner is entitled to interest over the GPF amount with effect from 30.11.2019 till the actual payment is made, that is 13.04.2022; is the contention of the learned Advocate for the petitioner.

4. *Per contra*, learned Advocate for the State submitted that the grievance of the petitioner has been redressed and he has already been accorded the GPF amount. So far the delay is concerned, since the authority slip issued on 20.11.2019 has been misplaced from the office and thereafter a *sanha* in this regard has been registered in the concerned police station vide SDE No. 1100/22 dated 23.03.2022, the delay has occurred in ensuring payment and lastly the same has been done on 13.04.2022. However, he did not confront the situation that the petitioner has not been accorded the statutory interest over the GPF amount for the period 30.11.2019 till the actual payment is made.

5. Considering the submissions advanced on behalf of



the learned Advocate for the parties, this Court finds substance in the contention of the learned Advocate for the petitioner.

6. The learned Full Bench of this Court in the case of ***Ram Gulam vs. State of Bihar, 2015 (1) PLJR 568***, while considering the relevant provisions of the Bihar General Provident Fund Rules, 1948 has categorically held that “it is indeed the duty of the State Government to remit the amount of provident fund standing to the credit of a government servant on the date of his retirement or soon thereafter but not without a formal application. It is trite that whether any application is received or not, the State Government must remit the amount of provident fund to the government servant. Until the amount is remitted to the government servant, the State Government is under obligation to credit interest at the statutory rate. The said obligation extends to six months from the month in which the payment becomes due. After the expiry of the said period of six months, if the State Government has not received the application for withdrawal of the provident fund amount, the State Government is under no obligation to pay interest over the outstanding amount of the provident fund. However, if the State Government has received the application for withdrawal of the provident fund amount within the said six months, the State



Government is obliged to pay interest over the amount of provident fund at statutory rate till the date the amount is paid.”

7. In view the settled legal position and taking note of the facts, this Court directs the respondent no. 6 to consider the claim of the petitioner for interest over the GPF amount for the period 30.11.2019 till the actual date of payment, i.e., 13.04.2022 and ensure statutory interest preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

8. The writ petition stands allowed to the extent indicated above.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	05.09.2024
Transmission Date	

